THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:27-1-2006

WRIT PETITION No.15289 OF 2005

BETWEEN:

Vanka Nageswara Rao.

…Petitioner

And

National Highway Authority of India, rep.by its Project Director, Project Implementation Unit, Dr.No.78-14-21, 1st Floor, Syamalanagar, Rajahmundry, E.Godavari District and others.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus declaring the action of the respondents in proposing to acquire the property of the petitioner in H.Nos.5-9/4 to 6 situated at Mogaltur Road, Narsapur Town, West Godavari District, without following the due process of

law as illegal, arbitrary and violative of principal of natural justice.

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader appearing for the respondents.

It is stated that the petitioner is the owner of the house bearing Nos.5-9/4 to 6, situated at Mogaltur Road, Narsapur Town, West Godavari District and he is in continuous possession of the same for the last several years and paying taxes. While so, the respondents have threatened to dispossess the petitioner and to demolish the house for the purpose of widening the National Highway without acquiring the land and without paying compensation to the structures.

The first respondent filed a counter, stating that the acquisition of land for expansion of National Highway is under the purview of A.P. State Roads and Buildings Department and the property of the petitioner is not covered under the control of the National Highway No.5 and that the first respondent is in no way concerned with the property of the petitioner.

The second respondent filed a counter stating that no steps have been taken for expansion of the National Highway-214A. The Ministry of Shipping, Road Transport & Highways, New Delhi has not sanctioned any estimate for widening work in the Narsapur Municipal limits of National Highway-214A and the Executive Engineer, National Highway Division, Kakinada has not requested the revenue authorities for acquisition of land in Narsapur Municipal limits for widening the National Highway 214-A.

In view of the aforesaid facts mentioned in the counters filed by the respondents, it is made clear that no proceedings have been issued to acquire the property of the petitioner.

Having regard to the facts and circumstances of the case, the respondents are directed not to interfere with the property of the petitioner without following due process of law.

The writ petition is disposed of accordingly. No costs.

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V.ESWARAIAH,J

Date:27-01-2006.

Shr.